

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASEY LEE HOEY ) 2:08cv618  
Plaintiff, ) Electronic Filing  
v. ) ) District Judge David S. Cercone  
EDWARD G. RENDELL, THOMAS )  
CORBETT JR., )  
Defendants. )

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on May 7, 2008, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on February 17, 2009, (doc. no.21), recommending that the Plaintiff's Complaint be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983. The Report further recommended that Plaintiff's Motion for Declaratory Judgment (doc. no. 8) be denied. Plaintiff was served with the Report and Recommendation and advised that he had until March 6, 2009, to file objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23 day of March, 2009;

**IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Declaratory Judgment (doc. no. 8) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 21) of Magistrate Judge Lenihan dated February 17, 2009, is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



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David Stewart Cercone  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

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